

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 17219 of 2007(Y)

PETITIONER:

K.P.MOHAN, AGED 56 YEARS,
S/O.PARAMESWARAN KARATT, HOUSE NO.35/1165,
PALARIVATTOM.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENTS:

1. THE MANAGING DIRECTOR,
K.S.F.E. THRISSUR.
2. THE SPECIAL DEPUTY TAHSILDAR (RR),
K.S.F.E. LIMITED, KACHERIPPADI.
3. THE BRANCH MANAGER,
LOAN UNIT, KSFE, IS PRESS BUILDING,
BANARJI ROAD, BANERJI ROAD, ERNAKULAM.

BY ADV. SRI.ASOK M.CHERIYAN, SC, K.S.F.E. LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.17219 of 2007

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Dated this the 13th day of July, 2007

J U D G M E N T

The petitioner seeks a direction to the 1st respondent to allow the petitioner to settle the arrears of loan amount as per One Time Settlement scheme and to consider and pass appropriate orders on Ext.P1 representation filed by the petitioner in that regard.

2. The learned counsel for the respondents points out that the petitioner had earlier filed W.P(C).No.36271/2005 claiming the very same relief, in which, according to the petitioner, instalment facility to pay off the amounts was granted. Thereafter, the petitioner again filed this writ petition for the same relief.

3. The matter earlier came up several times for admission. When the fact that the petitioner had not mentioned in the writ petition the fact of

filing the earlier writ petition for the same relief was pointed out, the petitioner took time and has now filed I.A.No.9043/2007 seeking amendment of the writ petition including the facts relating to filing of the earlier writ petition. In the same he has specifically stated that the earlier writ petition was for a direction to consider and dispose of the representation filed by the petitioner on 5.1.2007 for OTS benefits or for payment of the amount in instalments. After considering the said request a learned Single Judge of this court passed the following judgment;

"The petitioner is challenging recovery proceedings for recovery of arrears of loan availed by the petitioner. The petitioner's grievance is that the instalment facility which is available upto 2008 is cancelled and the entire arrear is sought to be recovered. Standing Counsel submitted that instalment facility is cancelled on account of chronic default. Having regard to the financial difficulty expressed by the petitioner, I feel one opportunity can be granted to the petitioner to regularise the accounts. The petitioner is directed to clear the instalment arrears due as on 31.12.2005 in four instalments payable along with regular monthly instalments from January to April 2006 on due dates. Revenue recovery proceedings will be kept in abeyance for payment as above and if petitioner commits default in payment of any of the arrear or regular instalments, then the instalment facility granted under this judgment will stand automatically cancelled and recovery will be continued on first default for recovery of entire arrears. If

payment is made voluntarily, no collection charges should be recovered from the petitioner."

4. In view of the above, I do not think that the petitioner can again file another writ petition for the same relief. Further, I am not also satisfied with the conduct of the petitioner in not mentioning the fact of filing of the earlier writ petition in the present writ petition at the time of filing the same which amounts to suppression of material facts.

For all the above reasons, I am not inclined to entertain this writ petition and accordingly the writ petition is dismissed.

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Sd/-
S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.